

Kevin G. Holmes

04/11/2005

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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TRANS-SPEC TRUCK SERVICE, INC.,  
d/b/a TRUCK SERVICE,

Plaintiff,

vs.

Civil Action No.  
04-CV-11836-RCL

CATERPILLAR, INC.,

Defendant.  
----- -x

DEPOSITION OF KEVIN G. HOLMES  
Monday, April 11, 2005, 9:00 a.m.  
Tri State Trucking Center, Inc.  
411 Hartford Turnpike  
Shrewsbury, Massachusetts 01545

Reporter: Deborah L. Maren, RPR  
Legalink Boston  
320 Congress Street, Boston, MA 02210  
(617)542-3500

Legalink Boston  
(800) 822-3376

EXHIBIT

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1 Q. But you'd seen this happen in other of  
2 Trans-Spec's Sterling trucks that they've brought in  
3 with the Caterpillar C-12 engines?

4 A. Yes.

5 Q. On the next page, on 580 of this packet,  
6 can you describe for me the four photographs that you  
7 see there and what they represent.

8 A. Again, similarly, we have the same damage,  
9 cracked flywheel housings, as we did in the prior  
10 pictures.

11 Q. Have you ever seen anything routinely like  
12 this before the Trans-Spec C-12?

13 A. Routinely, no, we have not.

14 Q. So this is an abnormality to see bell  
15 housings in this condition?

16 MR. GRUNERT: Object to the form.

17 A. In the number of failures, yes, that is  
18 correct.

19 Q. And is this a complete failure? Or can  
20 this be repaired in any way? Or is this --

21 A. No. This is actually detrimental to the  
22 vehicle's operation.

23 Q. This would cause widespread problems to the  
24 rest of the engine and the rest of the truck?

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1 MR. GRUNERT: Object to the form.

2 A. Absolutely.

3 Q. What kind of damage would that cause to the  
4 truck?

5 MR. GRUNERT: Object to the form.

6 A. Actually, it could cause transmission  
7 damage. It could cause drivetrain vibration. Again,  
8 this -- this piece of the engine obviously has to have a  
9 specific pitch and angle to it so obviously it follows  
10 the same angle throughout the driveline. And if not,  
11 you can create other problems throughout the vehicle as  
12 well.

13 Q. So these failures aren't confined to a  
14 simple replacement of the piece; they actually do cause  
15 other damage both to the engine and other components?

16 MR. GRUNERT: Object to the form.

17 A. Yes, it may. That's correct.

18 MR. GRUNERT: Could you give me a minute to  
19 state my objection? It's hard for the stenographer to  
20 take down two people at once.

21 Did you get the objection to that question?

22 MR. SAMITO: I'm sure we're all getting your  
23 objections.

24 Q. You can continue answering.

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1 A. And, as I stated, this actually can cause  
2 other problems within the vehicle's drivetrain, cab, et  
3 cetera.

4 Q. What sort of specific damage could this  
5 cause?

6 MR. GRUNERT: Object.

7 A. Again, through vibration it can loosen  
8 components much earlier than the norm just through,  
9 again, the vehicle not -- the engine not having its  
10 proper balance and creating other problems.

11 Q. Looking at 581 of this exhibit, what do you  
12 see there? There's only one picture on this. What do  
13 you see there?

14 A. Again, I see the engine flywheel housing  
15 cracked. And, again, that is cracked as many of the  
16 others that I have viewed here at the dealership as well  
17 as in the pictures.

18 Q. Complete failure?

19 A. Yes.

20 Q. And 582?

21 A. 582 again is a single picture, again,  
22 having the same failure of a cracked bell housing and,  
23 again, leading from the flywheel housing mounting bolts  
24 out to the housing itself.